

OLSHAN

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March 13, 2023

BY CM/ECF

Honorable John M. Vazquez
United States District Judge
Frank R. Lautenberg U.S. Post Office & Courthouse
2 Federal Square
Newark, New Jersey 07102

Re: United States ex rel. Simpson v. Bayer Corp., et al
Civ. No. 05-3895 (D.N.J.)(JMV)(LDW): Extension Request

Dear Judge Vazquez:

I write as counsel to fee claimant Olshan Frome Wolosky LLP (“Olshan”), former counsel to the Relator in this action in response to Bayer’s second request for extension of time set forth in its letter to the Court of March 10, 2023. Although we exchanged communications with Bayer’s counsel on Friday, they did not raise or discuss this request with us.

Having reviewed Bayer’s letter after it was filed on ECF, we do not believe a further extension of 30 days will advance efficient adjudication or promote settlement. Bayer, represented by two large firms, will, as of April 6, 2023, have had 90 days to review, analyze and respond to the fee applications. We do not agree with Bayer’s characterization or intended implication that they have meaningfully “engaged in mediation” nor are we aware that another mediation session has been or will be scheduled for later this month with Olshan. We are concerned that Bayer seeks to litigate about fees rather than promptly resolve the matter and believe that the sooner Bayer publicly states its lodestar position on the respective fee application the more efficient disposition of this matter will be and the better justice will be served. Bayer concedes that its expert’s work will be completed by April 7, 2023 and, presumably, Bayer has been receiving interim and preliminary findings that would allow it to make its submission almost immediately with the completion of the expert’s work. As a result, Olshan objects to an additional 30 days as excessive and counter-productive to prompt resolution or disposition. Olshan is agreeable to a second extension of seven (7) days or other short extension as a matter of professional courtesy.

Respectfully submitted,

/s/ Kyle C. Bisceglie
Kyle C. Bisceglie

cc: All Counsel of Record (via ECF)